mpt

IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7485 of 2007

Sambhaji Namdeo Randive .. Petitioner

versus

The State of Maharashtra .. Respondent

...

Mr.Rahul Kadam with Uday Warunjikar for the petitioner.

CORAM : S.B. MHASE AND

D.G.KARNIK, JJ

DATED : 11th October 2007

P.C.:

1. Heard Mr.Rahul Kadam for the petitioner.

2. By this petition, the petitioner seeks a direction to the Government to decide the representation made by him on 20th June 2006 within a period for four weeks. Mr.Kadam submitted that by an order dated 27th February 2006 passed in Writ Petition no.5957 of 2005. The Division Bench of this Court has issued a direction to the competent

authority to consider and decide the representation of the petitioner According to the petitioner, representation was made by him on 20th June 2006 but has not been decided.

3. We have perused representation copy of which is filed at Exhibit-B. The representation states that Government has taken a decision regarding the absorption of the Muster Assistants on 30th January 2004 and accordingly their absorption has been completed, and the recruitment on preferential basis of other employee is in progress. However, there is no clarity regarding the preference to be given for part time employees. In the circumstances, the Government should guide the part time employees about the preference to be given to them in absorption. Thus, the petitioners representation was only in the nature of seeking guidance of the government regarding the government policy of absorption of part time employees not in respect of the employees whose absorption or regularisation was the subject matter of Writ Petition no.5957 of 2005. The direction given in Writ Petiton no.5957 of 2005, in our view, do not apply the representation made by him on 30th January 2004. Assuming otherwise and if they do apply the appropriate remedy for the petitioner would be to file a contempt petition and not a fresh petition for a direction again to decide his

representation.

4. It appears that the petitioner who is a part time servant wants to be absorbed. However, there is no government resolution nor a policy regarding the absorption of the part time government servant. The claim of the petitioner for absorption is not based upon any existing right under any government resolution or policy. On the other hand, petitioner is only seeking guidance or clarification as to what the policy of government is. In our view, government is not bound to give any guidance/clarification regarding its policy of absorption, if any, of its part time employees, the absorption. In the circumstances, Writ Petition is not maintainable. Writ Petition is accordingly rejected summarily.

(D.G. KARNIK, J) (S.B. MHASE, J)